

Serial No. 10/605,348
Examiner: James M. Hewitt
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RESPONSE

In the Office communication, Applicants' last amendment that was filed on February 28, 2007 was held to be non-responsive for directing the claims to a non-elected invention, namely Figs. 27 and 28.

It is first noted that the election of species identified only three groups, namely Figs. 23A-F, Figs. 24A-G and rear ferrules with plural recesses. No mention was made as to electing against Fig. 27 or Fig. 28, and the election requirement identified claim 37 as being generic. It is further noted that claims 37 and 45 as presently before the Office remain generic to a number of embodiments including Figs. 23A-F and Figs. 27/28.

The Office communication seems to assert that Fig. 27 is not an elected specie, but this assertion is inconsistent with the election requirement that the Office entered back in 2005. The election requirement entered by the Office did not identify Figs. 27 or 28 as a separate specie, and indeed with respect to the subject matter of claim 37, the claim was identified by the Office as generic. The Office communication also refers to the brief description of Fig. 28 (paragraph 0043) but that description plainly identifies Fig. 28 as an FEA that illustrates one aspect of the invention, namely a high tube grip area axially spaced from the nose of the ferrule, without limitation to a specific embodiment. Fig. 28 may have been modeled based on the Fig. 27 embodiment but that does not magically transform Fig. 28 nor Fig. 27 into a non-elected specie. Moreover, the specification clearly refers to Fig. 28 for much more than just an example of how the ferrule of Fig. 27 appears after pull-up.

The specification expressly notes that Fig. 28 illustrates the swaging result that occurs axially rearward of the stress riser as well as the lack of need for contact between the rear portion 42 and the tube 13 (see col. 6, lines 32-62). Nothing in this description limits Fig. 28, which is an FEA, to only the embodiment of Fig. 27. Present claim 37 and claim 45 are generic to both the embodiments of Figs. 23A-F and Fig 27, and as such are within the election made earlier.

It is also noted that prior to the amendment presently being asserted as being drawn to a non-elected specie, claim 37 had already been amended to its present subject matter in the

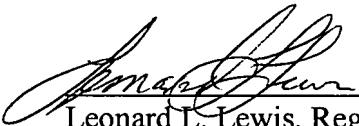
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response filed September 15, 2006, with similar reference in the Remarks to Fig. 28. No objection was raised at that time, and the amendment presently under question added nothing that would suddenly have created this issue.

In summary, the specification is clear that Fig. 28 is not limited to the embodiment of Fig. 27; Figs. 27 and 28 in any event was not a restricted specie; claim 37 was and remains generic to not only the elected specie Figs. 23A-F but also Fig. 27; and claim 37 was amended previously without this issue being raised, either in the original election of species requirement or in the prior filed amendment almost a year ago.

It is submitted that the pending response is consonant with the elected specie and the Office is respectfully requested to reconsider and withdraw the holding of non-responsive amendment. The application is believed to be in condition for allowance after entry of the amendment, and favorable action is solicited.

Respectfully submitted,


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216/622-8683

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